

of spray-on nonionic alkoxyated alcohol surfactants and further wherein at least one component is made by a spray-drying process and at least one component is made by an agglomeration process.

### REMARKS

This is responsive to the U.S. Patent and Trademark Office's Office Action Summary dated April 2, 2003. As a matter of review, Claim 10 was previously cancelled without prejudice. Claims 1 - 9 are currently pending. The claims have been amended to more particularly define Applicants' invention. Support for the amendment to Claim 1 is found on 6, lines 26 - 30 and page 7, lines 16 - 22 of the instant application.

#### Provisional Double Patenting Rejection:

The Office Action indicates that Claim 1 is provisionally rejected under the judicially created doctrine of double patenting over Claim 9 of copending U.S. Patent Application Serial No. 09/787,448 on the basis that the subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on the copending application.

In view of the amendments to the claims presented herewith, this provisional rejection is respectfully traversed. The Examiner is requested to reconsider this matter in light of the amendments.

The submission of a Terminal Disclaimer would appear to be premature at this stage of prosecution. Once patentable claims are agreed, an appropriate Terminal Disclaimer can be provided, if still deemed necessary.

#### Claim Objections:

The Office Action indicates that Applicants' amendment filed December 23, 2003 is objected to on the basis that the "free of additional silicate" limitation is not found in the specification. This objection is now moot in light of the current claim amendments. Applicants respectfully request the Examiner to reconsider and withdraw this objection.

#### Rejections Under 35 U.S.C. §112, second paragraph:

Claims 1 and 5 stand rejected under 35 U.S.C. §112, second paragraph. With regard to Claim 1 the Office Action indicates that *"the term 'components' is used by the claim to mean 'separate regions or a mixture of compositions containing different components' while the accepted meaning is a 'constituent part' "*.

Applicants respectfully traverse this rejection. As previously indicated in Applicants response dated December 23, 2002, *Webster's Third New International Dictionary* defines the

term "component" as "a constituent part: *INGREDIENT*". Webster's also defines "component" as "serving or helping to constitute". Webster's defines the term "constitute" as "to make up (the element or elements of which a thing, person, or ideas is made up): *FORM, COMPOSE*".

The term "component" as used in Claims 1 and 5 of the present invention refers to a constituent part (i.e.; an ingredient of or a part of) the detergent composition of the present invention. The present invention further relates to the degree of mixing between two components of the detergent composition, namely the surfactant and the aluminosilicate. [See page 2, lines 5 - 20 of the instant application]. Hence, as Applicants' use of the term "component" is not repugnant to the usual meaning of that term, the rejection of Claims 1 and 5 under 35 U.S.C. §112 is overcome.

### 35 U.S.C. § 102 Rejections

Claims 1 - 3 and 9 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Harris et al. (U.S. 4,321,157). The Office Action indicates that Example IV in column 21 of Harris et al. teaches a granular laundry detergent prepared by spraying liquid ingredients onto the solid ingredients having a composition comprising 5% alkylbenzene sulfonate, 53% zeolite, and 22% TAED. The Office Action further indicates that  $M=0$  in this composition.

Applicants respectfully traverse this rejection. With regard to Example IV of Harris, this detergent composition includes an alkoxylated nonionic surfactant which is sprayed onto the solid ingredients (see Harris column 20, line 65 - 66) and phosphate (see Harris column 21, lines 19 - 33). The amended claims of the instant application require the detergent compositions to be substantially free of spray on alkoxylated nonionic surfactant and phosphate-free. Hence, the instant claims are not anticipated by Harris.

The Examiner rejects Claims 1 - 6, 8 and 9 under 35 U.S.C. §102(e) as being unpatentable over Donoghue (WO 98/01520). It is the Examiner's view that Donoghue teaches detergent agglomerates comprising a mixture of particles wherein  $M=0.58$ . The Examiner cites Example 1 on page 12 of Donoghue to support his position. Applicants respectfully traverse this rejection. The instant claims as amended require the composition to be free of spray on alkoxylated nonionic surfactant. With regard to Example 1 of Donoghue, this composition includes sprayed on alkoxylated nonionic alcohol (see Donoghue, page 12). Hence, the instant as amended claims are not anticipated by Donoghue.

Claims 1, 2, and 4 - 6 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Boyer (U.S. 4,265,777). It is the Examiner's view that Boyer teaches an aluminosilicate detergent composition wherein " $M = 0$ ". To support the rejection, the Examiner cites Example V in column 10 of Boyer. Applicants respectfully traverse this rejection. It is not clear how the Examiner calculated " $M=0$ ". Applicants respectfully request the Examiner to

clarify how "M" was calculated. Furthermore, Boyer does not teach a detergent composition wherein at least one component is made by a spray-drying process and at least one component is made by an agglomeration process as the amended claims of the instant invention now require. Hence, the instant invention is not anticipated by Boyer.

Claims 1, 2, and 4 - 6 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Fleming (U.S. 4,000,094). It is the Examiner's view that Fleming teaches a spray-dried detergent composition wherein "M=0". To support the rejection, the Examiner cites Example 1, column 10 of Fleming. Applicants respectfully request the Examiner to clarify how "M" was calculated. Furthermore, as indicated by the Examiner, Fleming relates to a spray-dried detergent composition. Applicants' claims as amended require at least one component made by an agglomeration process. Fleming does not teach at least one component made by an agglomeration process. Hence, the instant claims do not anticipate Fleming. The Examiner is respectfully requested to reconsider and withdraw these rejections.

### 35 U.S.C. § 103(a) Rejections

The Examiner rejects Claims 1 - 9 under 35 U.S.C. § 103(a) as being unpatentable over Donoghue in view of Cheng et al. (U.S. 4,414,130). It is the Examiner's view that it would have been obvious to include an effervescent system in the composition of Donoghue as such dispersants are taught as suitable for detergent agglomerates by Cheng et al. so as to render the claims at hand obvious. To support the rejection, the Examiner cites Example 6, column 20 of Cheng. It is the Examiner's view that this example has an "M=0". It is not clear how the Examiner arrived at this "M" value. Applicants respectfully request clarification from the Examiner.

Applicants respectfully traverse the rejection. Cheng teaches the use of amorphous materials in combination with crystalline aluminosilicates (see Cheng column 3, lines 35 - 44). With regard to Cheng Example 6, cited by the Examiner, this example includes sodium silicate ( $(\text{Na}_2\text{O}:\text{SiO}_2)=1:2.4$ ). Though not specifically called out in the example as being an amorphous silicate, given the formula, it would appear likely that this is an amorphous silicate. Cheng tends to teach away from the claims of the instant invention, as the instant claims as amended require that the detergent composition be free of amorphous silicate. Furthermore, Cheng also teaches nonionic surfactants can be spray dried (see Cheng column 11, lines 22 - 26). These nonionic surfactants can include alkoxylated alcohol surfactants (see Cheng column 7, lines 48 - 68 and column 8, lines 1 - 20). This also teaches away from the instant invention as the instant claims as amended require that the detergent composition be substantially free of spray-on nonionic alkoxylated alcohol surfactants.

Hence, the claimed invention as amended by Applicants overcomes the Examiner's obviousness rejection for the reasons discussed above. Applicants respectfully request the

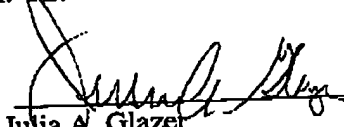
Examiner to reconsider and withdraw this rejection and allow the claims of the instant application.

### SUMMARY

This is responsive to the Patent Office's Final Office Action Summary dated April 2, 2003. It is being submitted herewith in conjunction with a Request for Continued Examination. Please charge any fees associated with this to Deposit Account No.: 16-2480. The Examiner's rejections of the instant application under 35 U.S.C. §112, 35 U.S.C. §102, and 35 U.S.C. §103(a) have been overcome. The Examiner is respectfully requested to reconsider and withdraw these rejections and allow the claims in the instant application. No new matter is added.

Respectfully submitted,  
FOR: Richard T. Hartshorn et al.

BY:

  
Julia A. Glazer  
Attorney for Applicants  
Registration No. 41,783  
(513) 627-4132

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Customer Number 27752